

## REMARKS

Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claims 1-3, 5 and 7 are currently being amended. No new matter is added.

This amendment changes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 1-15 are now pending in this application.

### *Allowable subject matter*

Applicants appreciate the indication that claims 6, 8, 13 and 15 are allowed.

### *Rejection under 35 U.S.C. § 102*

Claims 1-5, 7, 9-12 and 14 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent 5,463,620 to Sriram ("Sriram"). Applicants respectfully traverse this rejection for at least the following reasons.

As an initial matter, independent claims 1-3, 5 and 7 have all been amended to move language regarding the data communication from the preamble to the body of the claim in an analogous fashion to the amendments to claims 6 and 8, now allowed, in the Amendment filed on February 16, 2006. Thus, the Patent Office **must** give patentable weight to this language. Applicants respectfully request that the Examiner consider this language added to the body of the claim, and respond to applicants' arguments from the amendment filed on February 16, 2006, which are provided below for the convenience of the Examiner. While the Office Action states on page 3: "Applicant's arguments with respect to claims 1, 2, 3, 5, 7 and dependent claims are not persuasive", the Office Action fails to provide any specific response to the arguments.

As noted in the Amendment filed on February 16, 2006, Sriram fails to disclose or suggest at least the feature of independent claim 1, where in the first data communication, data is transmitted from the control station to the devices and data in response to this transmission is transmitted from the devices to the control station, and in the second data communication data is transmitted from the control station at a prescribed timing. Sriram does not disclose any control station that transmits out data to devices, and where in response data is transmitted from the devices to the control station in a first data communication. First, Sriram is not directed to a network with control station and devices controlled by the control station, but merely discloses an ATM communications network with multiple nodes. Second, Sriram does not disclose that one node of his network acts to transmit out data to another node, where in response data is transmitted from the another node to the one node. While Sriram discloses a number of interconnected nodes, Sriram does not disclose or suggest that the nodes are arranged such that one of the nodes functions as a control station, and the remaining nodes are controlled by the control station. Sriram merely discloses generally communications traffic in an ATM communications network.

As also noted in the Amendment filed on February 16, 2006, independent claims 2-3 and 5-8 all require that the communication between control station and devices includes data communication which requires real-time attributes and message communication which does not require real-time attributes, and that the data communication includes a first data communication in which data is transmitted from the control station to the devices and data in response to this transmission is transmitted from the devices to the control station, and a second data communication in which data is transmitted from the control station at a prescribed timing. Thus, claims 2-3 and 5-8 are patentable for reasons analogous to claim 1, as discussed above.

Moreover, as also noted in the Amendment filed on February 16, 2006, independent claim 1 includes additional patentable features over Sriram. Claims 1 recites “the second data communication transmitting data of a higher priority than the first data communication.” In claim 1, the first and second data communications are carried out as follows: “wherein after the data communication is carried out in accordance with a predetermined cycle time, the control means carries out an appropriate switching between the message communication and

the second data communication in the remaining time of the cycle time to complete one cycle.” Thus, in claim 1, a data communication is carried out (where the data communication includes data with real time attributes), and then further communication is carried out by switching between message communication data (not having real time attributes) and second data communication data (where the data communication includes data with real time attributes and has a higher priority than the first data communication). Sriram fails to disclose these features of claim 1.

As also noted in the Amendment filed on February 16, 2006, Sriram does not disclose as recited in claim 1, “after the data communication is carried out in accordance with a predetermined cycle time, the control means carries out an appropriate switching between the message communication and the second data communication in the remaining time of the cycle time to complete one cycle”, where the first data communication, the second data communication, and the message communication are defined as in claim 1. In Sriram, for a particular cycle, DTS server 48 visits the queues in sequence (col. 5, lines 35-39). Nowhere, however, does Sriram suggest that in a particular cycle the queues are visited first to obtain data for a data communication (where the data communication includes data with real time attributes), and then switches between further queues for message communication data (not having real time attributes) and second data communication data (where the data communication includes data with real time attributes and has a higher priority than the first data communication). In fact, during a particular cycle, Sriram suggests the higher priority data would be removed from the queues first, and thus would not be removed after lower priority data.

As also noted in the Amendment filed on February 16, 2006, with respect to Sriram, the Office Action states that “Sriram teaches a low priority (see 74 of figure 7) and a high priority data transmission (i.e., Delay-Sensitive Non-Isochronous High Bandwidth Services) (see column 4, lines 10-26).” While Sriram does disclose that some data has a higher priority than other data, significantly Sriram does not disclose using that priority in determining the communication of the data in the way recited in claim 1. As discussed above, nowhere does Sriram suggest that in a particular cycle the queues are visited first to obtain data for a data communication (where the data communication includes data with real time attributes), and

then switches between further queues for message communication data (not having real time attributes) and second data communication data (where the data communication includes data with real time attributes and has a higher priority than the first data communication). If the Examiner maintains the rejection of the claims, applicants again respectfully request the Examiner to specifically point out where Sriram discloses “after the first data communication is carried out in accordance with a predetermined cycle time, the control means carries out an appropriate switching between the message communication and the second data communication in the remaining time of the cycle time to complete one cycle”, where the second data communication data has a higher priority than the first data communication data.

As also noted in the Amendment filed on February 16, 2006, independent claim 3 recites “wherein after the data communication is carried out in accordance with a predetermined cycle time, the control means carries out an appropriate switching between the message communication and the second data communication in the remaining time of the cycle time to complete one cycle”, and thus is patentable for reasons analogous to claim 1.

The Office Action states on page 2: “In response to applicant’s arguments against the references individually, one cannot show nonobviousness by attacking references individually.” This statement in the Office Action is not understood, as the rejection of the claims is an anticipation rejection, not one based on obviousness.

The dependent claims are patentable for at least the same reasons as their respective independent claims, as well as for further patentable features recited therein.

Applicants believe that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a

check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date July 27, 2006

FOLEY & LARDNER LLP  
Washington Harbour  
3000 K Street NW, Suite 500  
Washington, D.C. 20007-5143  
Telephone: (202) 672-5485  
Facsimile: (202) 672-5399

By Thomas G. Bilodeau

William T. Ellis  
Attorney for Applicant  
Registration No. 26,874

Thomas G. Bilodeau  
Attorney for Applicant  
Registration No. 43,438